IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1750 OF 2007

Chandrakant P. Shah ..Petitioner
Vs.
Bhupatbhai B. Shah and anr. ..Respondents

Mr. Lalla i/by Lalla and Lalla for petitioner.
Mr. P.A. Pol, APP for State.
Respondent No.1 party-in-person present.

CORAM: B.H. MARLAPALLE, J.

Date : September 17, 2007.

P.C.:

1. Heard the learned counsel for the petitioner who is the accused in Case No.1390/M/2001 (now registered as C.C. No.173/SW/2005). This petition filed under Article 227 of the Constitution read with Section 482 of Cr.P.C. prays for quashing the proceedings in C.C. No.173/SW/2005 on the ground that both the complainant and the accused have compromised the dispute which was the subject matter of the criminal case filed by the present respondent no.1.

2. Rule. The learned APP appears for the State and the respondent no.1, original complainant, is present before the court in person. Rule is taken up

for final hearing forthwith by consent of the parties.

3. The respondent no.1 the original complainant stated on oath that after he filed the complaint against the present petitioner, both of them carried out negotiations and settled all the disputes which are subject matter of the said complaint amicably. He also stated that a joint application was made before the learned Magistrate for compounding the offence on 16/8/2007 but the said application was rejected as some of the offences are not compoundable with the leave of the court. He stated before the court that he supports the prayer for quashing of the complaint filed by him and he has no intention to peruse the said complaint any further on account of the fact that the disputes therein have already been settled amicably between him and the accused.

4. Hence, the petition is allowed and the proceedings in C.C. No.173/SW/2005 are hereby quashed and set aside. Rule is made absolute accordingly. Writ to go to the trial court forthwith.

(B.H. Marlapalle,J.)